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President

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Vice President



Arizona State Board of Optometry
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FINAL MINUTES FOR REGULAR SESSION MEETING: MARCH 18, 2005

Board Members

Robert B. Pinkert, O.D., President
Christina M. Sorenson, O.D. Vice President
Robert J. Maynard, O.D.
Caroline Griego, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Dawn Walton Lee, Assistant Attorney General

A. CALL TO ORDER:

Dr. Sorenson called the meeting to order at 9:00 a.m.

B. ROLL CALL:

Board Members Present:	Robert J. Maynard, O.D. Caroline Griego, O.D. Christina M. Sorenson, O.D. Vice President Curtis Winkler, M.D. Lawrence Ponemon, PhD
Board Members Absent:	Robert B. Pinkert, O.D., President
Legal Counsel Present:	Dawn Walton Lee, Assistant Attorney General
Staff Present:	Jack Confer, Executive Director Margaret Whelan, Licensing Administrator

C. PRESIDENT'S REPORT:

None

Emilio Velez spoke to Board about hiring process for the Executive Director position.

Dr. Ponemon arrived at meeting via phone at 9:07 a.m.

D. INFORMAL INTERVIEW:

1. ASBOO vs. Neha V. Amin, O.D., IR#200445

Postponed

E. REVIEW, CONSIDERATION AND POSSIBLE VOTE CONCERNING REQUEST FOR A HEARING PURSUANT TO A.R.S. § 41-1092.03:

2. Postponed
3. Postponed

F. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

4. ASBOO vs. Jerry R. Burger, O.D., IR#200448

Postponed

5. D.N. vs. Gregory V. Meek, O.D., IR#200501

Dr. Winkler summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Ponemon seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

6. C.G. vs. Nationwide Vision Center, IR# 200502

Dr. Maynard summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act and refer to the AG Consumer Affairs Division.

MOTION: Dr. Sorenson moved to dismiss the case due to lack of violation of the optometry practice act refer to the AG Consumer Affairs Division. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

7. J.T. vs. Jeffrey F. Martin, O.D., IR#200503

Patient withdrew the complaint. Dr. Sorenson recommended dismissal of complaint.

MOTION: Dr. Maynard moved to dismiss complaint. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

8. P.P. vs. Edward B. Frantsovog, O.D., IR# 200504

Dr. Griego summarized the case and recommended the Board to issue letter of concern to Dr. Frantsovog regarding failure to release a copy of a prescription pursuant to A.A.C. R4-21-305 (A)(2)(b).

MOTION: Dr. Maynard moved to issue a letter of concern for not releasing copy of a prescription to patient. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

9. K.M. vs. Jerry R. Burger, O.D., IR#200505

Dr. Ponemon summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Maynard moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Griego seconded the motion.

AMENDED MOTION: Dr. Maynard moved to dismiss with referral to the Board of Dispensing Opticians for review. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

10. R.W. vs. Christopher C. Carpenter, O.D., IR#200506

Dr. Maynard summarized the case and recommended the Board to dismiss the case due to lack of violation of the optometry practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometry practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Lawrence Ponemon Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	5	X	X	X	X		X
NO	0						
ABSTAIN	0						
ABSENT	1					X	

VOTE: Motion passes 5-0.

G. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDERS:

11. Vincent G. Sanchez, IR#200422

Mr. Confer summarized the case to inform the Board that the O.D. has not been compliant with the order and recommended the Board to place Dr. Sanchez on the April 15, 2005 agenda.

Dr. Maynard asked that staff contact Dr. Sanchez to clarify provisions of probation.

H. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH AN ORDER OF PROBATION:

12. Donald SanFilippo, O.D., IR#200252

Dr. Sorenson summarized the case to inform the Board that the O.D. has been compliant with the order.

I. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

13. Lipton, Carol
14. Withdrawn

MOTION: Dr. Maynard moved to approve above listed applicant tab 13. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

J. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:

15. Begal, Jerome
16. Scatton, Frank

MOTION: Dr. Maynard moved to approve all above listed applicants tabs 15-16. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

Fiscal Year 2004/2005

	Continuing Education	Date	No. of hours requested
b.	AZoA-Spring Congress	3/31-4/3/05	18 Regular 2 PM
c.	SWCO-Spring Roundup	3/18-3/20/05	37 Regular 10 PM
d.	Dade County Optometric Assoc.-Miami Nice	3/12-3/13/05	15 Regular
e.	Southern AZ Opt. Society-Paradigm Shifts in Mgmt. Of Macular Degeneration, Diabetic Macular Edema, Retinal	1/11/05	1 Regular

	Venous Occlusive Disease		
f.	Walmart/Ciba Vision-Silicone Hydrogel Lenses	2/16/05	2 Correspondence
g.	Central AZ Opt. Soc.-Silicone Hydrogel Lenses: Update 2005	2/22/05	2 Regular
h.	IL Opt. Assoc.-Oral Pharmaceuticals in Clinical Practice	2/20/05	6 Regular
i.	Alcon Labs-The changing paradigm in the diagnosis and management of Glaucoma	2/24/05	2 Regular
j.	Hodges Eye Care & Surgical Center-Refractive LASIK and Wave-Front Analysis	3/29/05	2 Regular
k.	Pacific University-Review of Antibacterial Drugs used for Treatment of Ocular Infections	Correspondence	3 Correspondence
l.	MOA-Big Sky Ski Conference	3/3-3/6/05	10 Regular 2 PM
m.	Southwestern Eye Center-Evolution of Glaucoma Mgmt & New Techniques in Cataract Surgery	4/26/05	2 Regular
n.	Midwest Vision Congress & Expo-	5/12-5/15/05	85 Regular
o.	American Opt. Assoc.-108 th Annual AOA Congress	6/22-6/26/05	148 Regular 2 PM

MOTION: Dr. Sorenson moved to accept tabs b through o excluding tab g. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

MOTION: Dr. Sorenson moved to table Central AZ Optometric Society to obtain a course outline from Dr. Parks's seminar. Dr. Maynard seconded the motion.

VOTE: The motion passed 5-0.

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

- 17. November 19, 2004 Regular Session Meeting Minutes
- 18. January 21, 2005 Regular & Executive Session Meeting Minutes

MOTION: Dr. Maynard moved to approve tab 17 with amendments (Faketickers) and Tab 18 as written of the minutes. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

MOTION: Dr. Maynard moved to approve tab 18 with an amendment to read that staff is to request a letter from Dr. Thompson's medical doctor confirming his diagnosis. Dr. Sorenson seconded the motion.

VOTE: The motion passed 5-0.

M. REQUEST FOR CONTINUING EDUCATION DISCRETIONARY EXEMPTION PURSUANT TO A.A.C. R4-21-209.

- 19. Letter from Richard N. Baim, O.D. requesting extension of continuing education completion

Dr. Sorenson summarized the letter and recommended the Board to grant the extension of CE to Dr. Baim by May 15, 2005.

MOTION: Dr. Maynard moved to grant an extension for CE hours to Dr. Baim. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

N. EXECUTIVE DIRECTOR'S REPORT:

- 20. Budget Report (Information Only)
Budget Summary Report
- 21. Board Statistics (Information Only)
- 22. Litigation Update (Information Only)
- 23. Notification of Ombudsman Investigation (Possible Discussion)
- 24. Summary of Investigative Reviews (Possible Discussion)
- 25. Criminal Charge Tracking Update (Possible Discussion)
- 26. Rules (Possible Discussion, Consideration & Vote)
 - a. Delegation of duties and compliance assistance time frame

Mr. Confer asked the Board to form a subcommittee to make policies and disseminate the rules to all licensees as well as create policies for the Executive Director duties.

- 27. CELMO Committee (Possible Discussion, Consideration & Vote)

MOTION: Dr. Maynard moved to have the Vice-President volunteer members for subcommittee. Dr. Sorenson seconded the motion.

VOTE: Motion passed 5-0.

- 28. Board Correspondence (Possible Discussion, Consideration & vote)
 - a. Correspondence from Rifkin, Livingston, Levitan & Silver, LLC
 - b. Correspondence from DB
 - c. Correspondence from MH
 - d. Correspondence from RL
 - e. Approval of Information Technology Plan from Government Information Technology Agency (GITA)
- 29. Personnel Committee (Possible Consideration, Discussion & Vote)

MOTION: Dr. Sorenson moved to go in to executive session for the purpose of discussing personnel matters. Dr. Maynard seconded the motion.

VOTE: Motion passed 5-0.

The Board went in to executive session at 10:34 a.m.
The Board reconvened regular session at

- 30. Approval of Council on Optometric Practitioner Education ("COPE") Course Reviewers

- a. Dr. James Mowbray
- b. Dr. Christina Sorenson

MOTION: Dr. Maynard moved to approve a and b for cope reviewers. Dr. Griego seconded the motion.

VOTE: Motion passed 5-0

Mr. Confer reported on tabs 20-30b inclusive.

O. CALL TO PUBLIC:

Dr. Sorenson made a call to the public at 10:50 a.m. Members of the public were present to address the Board.

Dr. Sorenson asked staff to put letters for CE approval on a future agenda.

Dr. Maynard moved to adjourn the meeting. Dr. Sorenson seconded the motion. Meeting adjourned at 11:00 a.m.

END OF MINUTES:

Jack Confer, Executive Director

Date